Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of:	)	
	)	
Ellington Broadcasting	)	CSR-8933-M
WPRQ-LD, Clarksdale, MS	)	MB Docket No. 17-58
v.	)	
Cable One Inc.	)	
	)	
Request for Carriage	)	

To: Media Bureau

REPLY TO OPPOSITION

David Ellington d/b/a Ellington Broadcasting, licensee of WPRQ-LD Clarksdale, MS, submits this Reply to Cable One's Opposition to Petition for Carriage as provided in the Commission's rules 76.7(c)(3). I, David Ellington, owner of Ellington Broadcasting received Cable One's opposition on April 27, 2017. Therefore, this reply has been timely filed within the 10 day window allowed by the Commission. Also, a certificate of service for this reply is shown in **Exhibit #5**.

I. LATE-FILED OPPOSITION BY CABLE ONE

Cable One received WPRQ-LD's complaint on March 29, 2017. Section 76.7(b)(2) of the Commission's rules requires the party who is the subject of the complaint to file an answer within 20 days of service of the complaint. Cable One's opposition was not filed until April 21, 2017. Therefore, the opposition was late-filed and Cable One did not request a waiver within the opposition or state the reason for the late filing. Based on these facts, I ask the Commission to dismiss the late-filed opposition from Cable One.

II. CABLE ONE DECLARED CLARKSDALE, MS AS THE PRINCIPAL HEADEND, BUT TOLD WPRQ-LD IT WAS CLEVELAND, MS

According to Cable One, its only opposition to the carriage of WPRQ-LD on its Cleveland, Mississippi cable system is based on the signal quality provided to its principal headend. Cable One declares in its opposition that its principal headend for the Cleveland, Mississippi system is located in **Clarksdale, Mississippi**. WPRQ-LD is located in Clarksdale, Mississippi and licensed to Clarksdale, Mississippi. WPRQ-LD's transmitting antenna is located only 3.55 miles from Cable One's principal headend receive tower (as declared by Cable One) in Clarksdale, MS.

However, on April 7, 2017 Cable One's general manager contacted WPRQ-LD and said Cable One was going to perform a signal test of WPRQ-LD at their Cleveland, MS headend. He offered for me to attend the test, which I accepted. I asked the general manager if Cable One could receive WPRQ-LD at its Clarksdale headend location (**as it has been received for the past 20 years with must carry rights on the Clarksdale, MS Cable One system**) and fiber it to the Cleveland, MS system. He said that was not possible and WPRQ-LD would have to be received over the air at its Cleveland, MS headend location in Cleveland, MS to be carried on the Cleveland, MS Cable One system.

Requiring WPRQ-LD to be received in Cleveland, MS is in direct conflict with the declaration of **Clarksdale, MS** being the principal headend for the Cable One Cleveland, MS system as stated by Cable One in the opposition filing.

III. WPRQ-LD SIGNAL TEST RESULTS IN EXHIBIT 1 OF OPPOSITION ARE INVALID BASED ON LACK OF GOOD ENGINEERING PRACTICES AND THE FACT THAT WPRQ-LD HAS BEEN RECEIVED AT THE CLARKSDALE HEADEND FOR THE PAST 20 YEARS.

According to the opposition, on January 30, 2017, Cable One claims to have conducted a signal test of WPRQ-LD at its designated principal headend in Clarksdale, MS. WPRQ-LD was never notified of this test nor invited to attend it. Also, Cable One did not provide any test data to WPRQ-LD concerning this test. It wasn't until April 4, 2017 that WPRQ-LD was made aware of any kind of previous test. The general manager only mentioned on the phone that a previous test had been conducted, but provided no details.

WPRQ-LD's transmitting antenna is located only **3.55 miles** to the southeast of Cable One's principal headend receive tower (as declared by Cable One) in Clarksdale, MS. According to the signal test worksheet in the opposition, the testing antenna was placed at only 40 feet above ground. This height is not even above the tree line because the cable tower is located at an extremely low elevation in a ravine. Concerning the orientation of the antenna, Cable One makes the following statement in the opposition: **"the antenna facing North east straight towards the stations tower site."** This is a totally false statement because WPRQ-LD's transmitting antenna is located 3.55 miles to the **SOUTHEAST** of the Cable One Clarksdale, MS receive tower.

The make and model of the antenna Cable One used for the test is not provided on the must carry worksheet in the opposition. It only lists a single bay channel 7-12 antenna. Also, the 20db antenna gain listed on the test sheet cannot possibly be correct because a 10 element single bay high band VHF log periodic can only achieve a gain of 11.5dB according to a Wade Antenna data sheet. **(See Exhibit #1)**

Cable One's opposition contains an incorrect diagram sketch for the WPRQ-LD signal test that was performed in Clarksdale, MS. Cable One's Exhibit 1 displays a diagram sketch of the Cleveland, MS headend location and not the Clarksdale, MS principal headend where the signal test is stated to have taken place.

Moreover, WPRQ-LD has been received over the air at the same Clarksdale, MS headend for the past 20 years since attaining must carry status on the Cable One Clarksdale, MS system. On page 2 of the opposition, Cable One makes the following statement: **"These measurements confirm that the Station is unable to deliver any viewable picture at all to the Clarksdale, MS headend."** This statement is completely false. If WPRQ-LD was not delivering a "viewable picture" at only 3.55 miles away to the Clarksdale, MS headend, it never would have been carried on the Cable One Clarksdale, MS system on cable channel 12 for the past 20 years. **(See Exhibit #2)** This statement by Cable One demonstrates either a complete lack of knowledge about their system or a desire to provide misleading statements.

WPRQ-LD has always delivered a good quality over the air signal to the Clarksdale, MS headend. So, it is unexplainable why Cable One had to perform any kind of signal test at the Clarksdale, MS headend considering they have received WPRQ-LD with an over the air signal of very good quality for the past 20 years at that exact location. Also, it's very puzzling why Cable One chose only 40 feet in elevation for the test and did not orient the test antenna correctly toward WPRQ-LD's transmitting antenna, because all they had to do was look up on the tower and see which direction the existing WPRQ-LD receive antenna was pointing. It's been there for the past two decades.

Therefore, WPRQ-LD strongly rejects the signal test readings that Cable One has given the Commission due to the lack of good engineering practices and the overwhelming fact that Cable

One has been receiving WPRQ-LD's strong over the air signal in Clarksdale, MS at the declared principal headend site for the Cleveland, MS system for the past two decades.

IV. WPRQ-LD SIGNAL TEST RESULTS FROM CLEVELAND, MS, LISTED IN EXHIBIT 2 OF OPPOSITION, SHOULD BE DISMISSED.

Cable One conducted a signal test at a location (Cleveland, MS) that that is not considered the principal headend (Clarksdale, MS). Therefore, the WPRQ-LD signal test results from the headend in Cleveland, MS shown in EXHIBIT 2 of Cable One's opposition should be dismissed based on this fact alone.

Nevertheless, in the next section I will provide my fact based eyewitness account of the signal test conducted in Cleveland, MS and the lack of "good engineering practice" that was used by Cable One for the test.

V. WPRQ-LD SIGNAL TEST PERFORMED IN CLEVELAND, MS LACKED GOOD ENGINEERING PRACTICES AS REQUIRED BY THE COMMISSION AND WAS NOT CONDUCTED AT PRINCIPAL HEADEND

A test date of April 11, 2017 was agreed upon between me and the general manager for the final test. Cable One required it to be held in Cleveland, MS. I attended the signal test along with my station general manager and son, Chad Ellington. From what we witnessed on site, this signal test could not possibly be considered a valid test based on the Commission's requirements of using "good engineering practices."

For the test, Cable One chose to use a low gain single VHF antenna in very poor condition at only approximately 40 feet above ground on the Cleveland, MS Cable One tower. Cable One did not properly orient the antenna to receive WPRQ-LD because the antenna is currently being used to receive another station at a different location extremely close by. I know this for a fact, because that other station is my Cleveland, MS television station WHCQ-LD Channel 9.

Nevertheless, the Cable One technician proceeded to use the antenna with a splitter connected to it. This meant that WPRQ-LD was being tested on a shared split line. Obviously, splitting the signal was very detrimental to the reception of WPRQ-LD and certainly not within the bounds of "good engineering practices" required by the Commission for a broadcast signal test.

Also, since Cable One performed the test with an antenna placed at approximately 40 feet above ground in Cleveland, MS, it was very easy to just look up and see severe damage to several of the antenna's elements. These damaged elements were not aligned anywhere close to where they should've been. **(See Exhibit #3)** By visually looking at the antenna and assessing the condition it was in, it appears that it may have been on the tower for several decades. The damage was so obvious that the Cable One technician even admitted that the antenna needed to be repaired, but continued with the signal test anyway. Another concern, based on the condition of the antenna, is the antenna coax cable. It's certainly within reason that it may have similar issues not seen from the ground level. Good engineering practices were not followed when this damaged antenna in very poor condition was chosen for the signal test.

Moreover, the antenna used for the signal test is not the functional equivalent of the other antennas on the Cable One tower in Cleveland, MS. This antenna is quite possibly the lowest gain antenna and the lowest placed antenna on the entire 427 foot tower at approximately 40 feet above ground. Further, the majority of the receive antennas are located at a much higher level on the tower. Many of these antennas are high gain diamond antenna arrays made to pick up similar VHF broadcast stations such as WPRQ-LD Channel 12. Therefore, to be fair, Cable One should have afforded WPRQ-LD a higher gain antenna array for the signal test in order to match the majority of VHF receive antennas currently on the tower. **(See Exhibit #4)**

Also, the signal test duration was significantly less than the amount required by the Commission. My son and I were on site for approximately 15 minutes and no test data sheets were provided to us concerning the test results.

The Cable One technician only allowed us to see the test meter and it showed a reading of -81dbm. My son and I made it known to the technician and general manager on site that we did not accept that reading as being valid due to the lack of good engineering practices used for the signal test.

The Cable One technician asked what we thought the reading should show. My son, Chad, replied that if Cable One would provide a fair test using sound engineering practices it could be expected that WPRQ-LD would provide a -61dbm or better signal level. The Cable One technician said that a -61dbm reading is no good and would be a terrible picture. My son told him that the Commission considers a -61dbm signal to be the level required by the Commission. He still did not agree with this and said that was all he was going to do and was just going to fill out a form to show he conducted the test and send it in.

Also, Cable One totally misquoted my son in the comment section of their Must Carry Worksheet for the Cleveland test located in EXHIBIT 2 of the opposition filing. As stated above, Chad told the technician that a -61dbm or better signal should be expected under a fair test. However, Cable One said that he quoted a -65dbm level, which is **100% false**. We do not have any idea where they came up with the -65dbm level quote or their motivation for providing such a false statement in the Must Carry Worksheet.

Therefore, the test results from the WPRQ-LD signal test conducted in Cleveland, MS should be dismissed completely due to the test being conducted in Cleveland, MS and not at the Cable

One declared principal headend in Clarksdale, MS. Also, good engineering practices were not used and WPRQ-LD was not provided a fair test by Cable One.

VI. CONCLUSION

Cable One from the beginning has fought this must carry request with very suspect actions including: 1.) The failure to respond within 30 days to the initial must carry request letter. 2.) Knowingly inviting WPRQ-LD representatives to attend an invalid signal test at a headend that is not their principal headend, but not inviting us to attend a signal test at the principal headend. 3.) Failure to notify WPRQ-LD of the Clarksdale, MS headend signal test and not providing any test data at all. 4.) Being well aware that WPRQ-LD has been carried on the Cable One Clarksdale, MS system and received at the Clarksdale, MS principal headend for the past 20 years under must carry, yet still conducting a signal test without using good engineering practices at the same exact location. 5.) Late-filing the opposition to WPRQ-LD's complaint without a request for waiver.

It appears to me that Cable One is doing everything it can to avoid carrying WPRQ-LD on the Cleveland, MS Cable One system. Consequently, it is my belief that WPRQ-LD has not received fair treatment from Cable One in this matter. Therefore, I ask the Commission to grant WPRQ-LD carriage on the Cleveland, MS Cable One system by way of the Clarksdale, MS principal headend in which WPRQ-LD is currently delivering an over the air signal of very good quality and has done so for the past 20 years.

Sincerely,

David Ellington
Ellington Broadcasting

Date: May 1, 2017

EXHIBIT #1

Wade Antenna datasheet of single bay VHF (7-13) log periodic antenna with 11.5dB gain

Model WL7-13/S VHF High Band Log Periodic

Model WL7-13/S VHF High Band Log Periodic

Series: WL Series

The WL7-13/S single high band log antenna for channels 7 to 13 provides optimum performance over the entire VHF high band. This sturdy antenna gives excellent performance with reliable, trouble free operation. A newly designed feed point accepts a standard 75 Ohm CATV housing connector.

Features:

- Pattern predictability
- Maximum rejection of interfering signals
- Corrosion resistant material

Gain: 11.5 dBi
Frequency: 174-216MHz
Channels: 7-13
HPBW Horizontal: 50°
HPBW Vertical: 70°
VSWR Max: 1.25:1
Impedence: 75 ohm
Polarization: Horizontal or Vertical
Connector Type: F Connector
Number of Elements: 10
Longest Element: 33.6 in (85.3 cm)

Dimensions: 96" L x 33.6" W x 8.25" H (243.8 cm L x 85.3 cm W x 21 cm H)

Weight: 25 lbs

Shipping Dimensions: 100" L x 9" W x 5" H

Shipping Weight: 25 lbs

Resources

WL7-13/S Specifications

EXHIBIT #2

Shown below is the Cable One Channel lineup for Cable One Clarksdale, MS showing WPRQ-LD being carried on channel 12. WPRQ-LD has been carried on cable channel 12 for the past 20 years in Clarksdale, MS delivering to the Cable One Clarksdale, MS headend an over the air signal of very good quality.

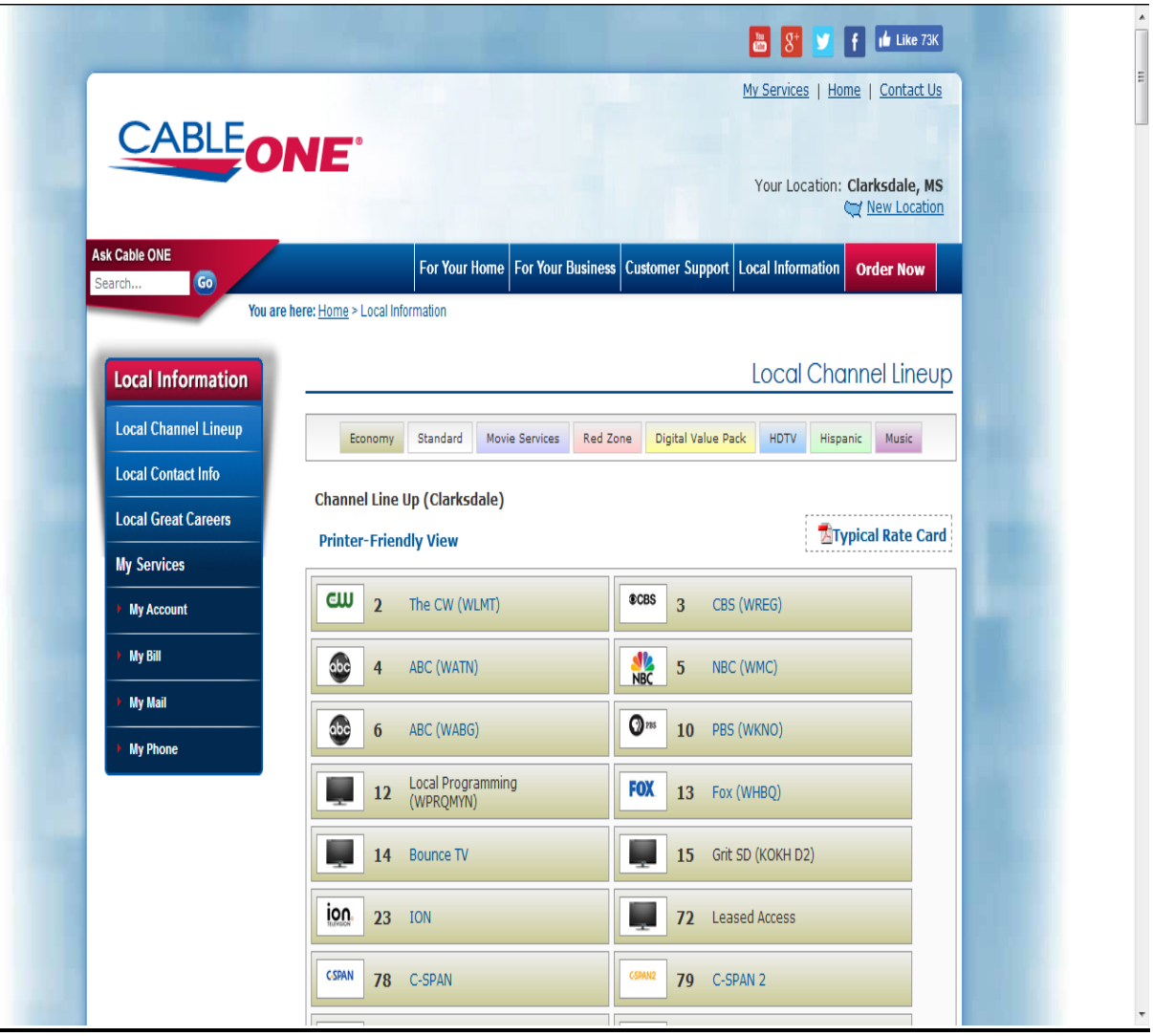

EXHIBIT #3

Shown below is a photo of the actual test antenna that Cable One used for WPRQ-LD's signal test performed in Cleveland, MS. Clearly shown are at least three damaged elements. Also, Cable One states that they used a 20dB antenna for the test, which is not correct. The antenna shown in the photo is a 10 element log periodic which according to a Wade Antenna data sheet only provides a gain of 11.5dB. Not 20dB.

EXHIBIT #4

Shown below is a photo of the multiple high gain VHF diamond array antennas placed on the Cleveland, MS Cable One tower. Cable One conducted WPRQ-LD's signal test with a damaged single bay VHF antenna at approximately 40 feet on the tower. Log periodic diamond arrays are listed to have a gain of 17.5 dB according to a Wade Antenna datasheet. However, WPRQ-LD's test antenna only has a gain of 11.5dB according to Wade Antenna. Therefore, WPRQ-LD was provided a test antenna that is not the equivalent of the majority of the VHF antennas on the tower.

EXHIBIT #5

Certificate of Service

I hereby certify that a copy of this Reply was sent to Cable One on May 1, 2017 via USPS Certified Mail to the following address:

Cable One
2247 Commerce Street
Grenada, Mississippi 38901

Signature: David Ellington

David Ellington